

RE: Kinkade v. Credit Control and Equable

From: **Robert Modica** (rmodica@gordonrees.com)

Sent: Thu 3/29/12 3:59 PM

To: Joseph Joseph Mauro (joemauroesq@hotmail.com); Diane Krebs (DKrebs@gordonrees.com); Jon Elliott (jelliott@znclaw.com)

Joe, I think your characterization of my comments is off. I never said we don't object to producing the contract. To the contrary, I said we have no objection to production with a protective order in place, so we do object without a protective order. This position goes back to our Rule 26 disclosure. Plus, even with a protective order, there may be parts that still need to be redacted.

From: Joseph Joseph Mauro [mailto:joemauroesq@hotmail.com]

Sent: Thursday, March 29, 2012 2:32 PM

To: Robert Modica; Diane Krebs; Jon Elliott

Subject: RE: Kinkade v. Credit Control and Equable

Rob,

Since Credit Control is not objecting to the Plaintiff's request for the production of the document, then it appears that Credit Control is obligated to produce such (irrespective of the other Defendant's objection.) But to just alleviate the issue, I am suggesting the parties execute the proposed protective order.

Jon,

Can you please inform everyone what your position on the proposed protective order is, so that we properly report such to the Court.

Thanks,

Joe Mauro

The Law Office of Joseph Mauro, LLC

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(631) 669-5071 (fax)

joemauroesq@hotmail.com

Subject: RE: Kinkade v. Credit Control and Equable
Date: Thu, 29 Mar 2012 11:28:23 -0700
From: rmodica@gordonrees.com
To: joemauroesq@hotmail.com; DKrebs@gordonrees.com

Sorry if I was not clear. We are not opposed to a protective order, although I have not (admittedly) reviewed this one because I know that Jon Elliot has objections to the production of the contract. So, until we know exactly what those objections are, I don't see how we can properly prepare a protective order.

From: Joseph Joseph Mauro [mailto:joemauroesq@hotmail.com]
Sent: Thursday, March 29, 2012 1:22 PM
To: Robert Modica; Diane Krebs
Subject: RE: Kinkade v. Credit Control and Equable

Rob,
I'm not clear: are you okay with the judge entering the proposed protective order?

Joe Mauro

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joemauroesq@hotmail.com

From: rmodica@gordonrees.com
To: joemauroesq@hotmail.com; DKrebs@gordonrees.com
Date: Thu, 29 Mar 2012 13:55:10 -0400
Subject: Re: Kinkade v. Credit Control and Equable

Joe, have you spoken with Jon Elliot about this? As we have indicated, we are willing to produce with a protective order. However, I believe based upon his recent disclosures, his client has certain reservations/objections. I think you need to address these with him before a protective order can be drafted.

Robert Modica
Gordon & Rees, LLP
[90 Broad Street](#)
[New York, New York 10004](#)
Telephone: [212-269-5500](#)
Facsimile: [212-269-5505](#)
Rmodica@gordonrees.com

-----Original message-----

From: Joseph Joseph Mauro <joemauroesq@hotmail.com>
To: Diana Kregs <dkrebs@gordonrees.com>, Robert Modica Esq <rmodica@gordonrees.com>, Jon Elliott <jelliott@znclaw.com>
Sent: Thu, Mar 29, 2012 17:47:20 GMT+00:00
Subject: FW: Kinkade v. Credit Control and Equable

Folks,
Please see below email. I have not heard back from anyone regarding this.

Joe Mauro

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From: joemauroesq@hotmail.com
To: dkrebs@gordonrees.com; rmodica@gordonrees.com; jelliot@znclaw.com
Subject: FW: Kinkade v. Credit Control and Equable
Date: Fri, 16 Mar 2012 09:19:06 -0400

Folks,

In light of the Court's order regarding the proposed confidentiality/protective order, may I request that you identify what, if anything, you find objectionable about Judge Boyle's model order. I suggested that we use this model order as Jon and I have used Judge Boyle's order in the past, and as it comes from a Magistrate, obviously it is a neutral order. If there is nothing objectionable, then I would request that you execute the document and return it to me so that we can move past this issue. If there is a particular problem, I would ask that you identify the issue so we can address such. Thank you,

Joe Mauro

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joemauroesq@hotmail.com

From: joemauroesq@hotmail.com
To: jelliot@znclaw.com; rmodica@gordonrees.com; dkrebs@gordonrees.com
Subject: FW: Kinkade v. Credit Control and Equable
Date: Thu, 8 Mar 2012 10:05:31 -0500

Folks, I haven't heard back from anyone on my below email. Could you please update me as to

your intentions regarding the proposed protective order? (It seems like this is something we should be able to agree upon). Thanks,

Joe Mauro

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From: joemauroesq@hotmail.com
To: rmodica@gordonrees.com; jelliot@znclaw.com
Subject: Kinkade v. Credit Control and Equable
Date: Fri, 17 Feb 2012 17:38:56 -0500

Gentlemen,

I received Credit Control's 26a disclosures today in which Robert indicates that upon the entry of a protective order he will forward the agreement between the defendants. To that end, I put together the attached protective order. This is Magistrate Boyle's model protective order (Jon, you and I just used this one on the *Chang* matter). Obviously the order is neutral as it comes from the court. If you are okay with this, please sign it and send it back and I'll get it filed so that we can exchange the document. Jon, I believe this resolves the discussion we had about this yesterday. (I've also attached a "formal" request for the agreement, though I believe that you're agreeing to send it in any event once the protective order is in place).

Also, FYI, I filed the Amended Complaint today since everyone consented.

Have a good weekend,

Joe Mauro

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